

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----x  
LAURICE P.,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.  
-----x

MEMORANDUM DECISION  
AND ORDER

20 Civ. 9093 (GBD) (GRJ)

GEORGE B. DANIELS, United States District Judge:

Plaintiff Laurice P.<sup>1</sup> brings this action against Defendant Commissioner of Social Security (the “Commissioner”) under the Social Security Act, 42 U.S.C. § 405(g), seeking review of an administrative law judge’s (“ALJ”) decision to deny Plaintiff disability insurance benefits and supplemental security income. (*See* Complaint, ECF No. 1.) Both parties moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (*See* ECF Nos. 18, 23.)

Before this Court is Magistrate Judge Gary Jones’s May 23, 2022 Report and Recommendation (the “Report”), recommending that Plaintiff’s motion for judgment on the pleadings be granted and this case remanded for further proceedings, and that Defendant’s motion for judgment on the pleadings be denied. (*See* Report, ECF No. 26, at 15.) Magistrate Judge Jones informed the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (Report at 16.) No objections have been filed.

---

<sup>1</sup> Plaintiff’s name has been partially redacted in compliance with Federal Rule of Civil Procedure 5.2 (c)(2)(B) and the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States.

A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a magistrate judge’s report. 28 U.S.C. § 636(b)(1)(C). A magistrate judge’s report to which no objections are made is reviewed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). Clear error is present when, “upon review of the entire record, [the court is] left with the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation and internal quotation marks omitted).

As stated more fully in the Report, Magistrate Judge Jones concluded that the ALJ’s consideration of the medical opinion evidence was not supported by substantial evidence or consistent with applicable law for multiple reasons. First, the ALJ cited one physician’s lack of a treating relationship with the Plaintiff as a basis for discounting that physician’s opinions, but simultaneously gave substantial weight to the opinions of other non-treating physicians without explaining the basis for this discrepancy. (Report at 11.) Further, Judge Jones concluded that the ALJ’s findings were inconsistent with the medical record, at least insofar as the ALJ concluded that medical examinations of Plaintiff were “unremarkable” where the evaluating physicians consistently reported that Plaintiff suffered from an altered gait. (*Id.* at 11–12.) Judge Jones also found that the ALJ failed to consider significant information relating to Plaintiff’s ability to work, (*id.* at 12), and that the ALJ erred in dismissing one physician’s assessment as “vague” without contacting that physician for clarification, (*id.* at 13 (citing *Piscope v. Colvin*, 201 F. Supp. 3d 456, 464 (S.D.N.Y. 2016))). Lastly, the ALJ failed to adequately address the potential impact of Plaintiff’s migraines on her ability to perform the demands of alternative work. (Report at 14.)

Magistrate Judge Jones’s findings regarding the administrative law judge’s decision are well-reasoned and grounded in fact and law. This Court has reviewed the Report and finds no

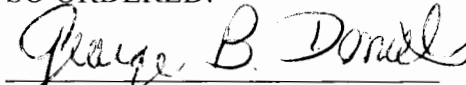
error, clear or otherwise. Accordingly, Magistrate Judge Jones's Report is ADOPTED in its entirety.

Plaintiff's motion for summary judgment, (ECF No. 18), is GRANTED. Defendant's motion for judgment on the pleadings, (ECF No. 23), is DENIED. The ALJ's decision is reversed and this matter is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this opinion.

The Clerk of Court is directed to close both motions accordingly.

Dated: August 17, 2022  
New York, New York

SO ORDERED.

  
\_\_\_\_\_  
GEORGE B. DANIELS  
United States District Judge